

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-14

TITLE: Renewal request by Bishop Jt. Union High School District to waive <i>Education Code</i> Section 49550, the State Meal Mandate during the summer school session.	<div style="text-align: center;"><u> X </u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT</div>
CDSIS: 30-3-2003	

RECOMMENDATION:

The Department recommends:

☐ Approval

☒ Denied

Summary of Previous State Board of Education Discussion and Action:

The State Board approved a school meal waiver request for Summer 2002.

Summary of Key Issue(s):

The California Education Code (EC) Section 49550 states that each needy child that attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following district has requested that the waiver of EC Section 49550 be renewed for the Summer 2003 and has certified that conditions in the district that precipitated the original waiver request have not changed. EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met at least two of the following four criteria. Review of the waiver documents submitted indicate that none of the required criteria have been met.

Criteria met:

- NO** a) The summer school session is less than four hours duration and is completed by noon;
- NO** b) Less than ten percent of needy pupils attending the summer session are at the school site for more than three hours per day;
- NO** c) A Summer Food Service Program site is available within the school attendance area;
- NO** d) Serving meals during the summer school session would result in a financial loss to the school district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating cost.

Agreement Number:	District(s):	Effective Period:	Local Board	Waiver
			Approval:	Number:
14-63263-0000000-01	Bishop Jt. Union HSD	06/09/03-07/22/03	02/13/03	30-3-2003

Rationale for Disapproval:

For Summer 2003, the waiver request does not meet any of the criteria required for approval. While the district states that the conditions that warranted a waiver for Summer 2002 have not changed, the California Department of Education's (CDE) analysis indicates that they have. The CDE recommends denial of the Bishop Jt. Union High School District waiver request for Bishop Union High School.

A review of the waiver request reveals:

- a) The summer school session is not less than four hours in duration, although it is completed by noon. Last year, the school's summer session was less than four hours in duration. The session ended at 11:59 AM.
- b) More than 10 percent (50 percent) of the needy pupils will remain on site for more than three hours.
- c) There is no Summer Food Service Program site within the attendance area of the site.
- d) Although the district will suffer a financial loss, it does not equal one month's costs. Based upon the information provided by the district, the loss will equal \$214.00 while one month operating costs will equal \$545.00.

On March 28, 2003, CDE contacted Ms. Ferol Butera, Administrative Assistant for the Bishop Joint Union High School District, and notified her of plans to recommend denial of her waiver request. She was given the opportunity to withdraw her waiver at this time. Ms. Butera stated that she does not wish to serve meals to any students attending summer school. She states that during the traditional school year she vends meals but this service is unavailable during the summer school session. Ms. Butera wishes to appear before the State Board of Education and explain the financial impact to the district if the waiver is not approved.

Authority for the waiver: Education Code 49558

Bargaining unit(s) consulted on: **Not required**

Position of bargaining unit (choose only one):

☐

Neutral

☐

Support

☐

Oppose

Name of bargaining unit representative: **None**

Local board approval date: **02/13/03**

Effective dates of request: **06/09/03-07/22/03**

Fiscal Analysis (as appropriate): Denial of the waiver may increase the draw on Proposition 98 funds. Local finances may be affected.

Background Information:

Waiver request forms and supporting documents are available for inspection in the Waiver Office. In cases where a request is recommended for denial, documentation is attached to this Executive Summary